

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14

U-CITY FOREST MANOR, L.L.C.

Employer

and

Case 14-RD-1867

HELENA CODY, an Individual

Petitioner

and

SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 2000

Union

**REGIONAL DIRECTOR'S REPORT ON OBJECTIONS, ORDER DIRECTING HEARING
AND NOTICE OF HEARING**

I. Introduction

This report contains the Regional Director's findings and order concerning nine objections to conduct affecting the results of the election filed by the Union. The objections allege that the Employer engaged in conduct that destroyed the laboratory conditions of the election and warrant setting aside the election. The Employer denies engaging in any conduct that would provide a basis for setting aside the election. The Petitioner provided no position regarding the objections.

As described below, it is concluded that the Union's objections, and the investigation thereof, raise substantial and material questions of fact which can best be resolved by a hearing.

II. Procedural History

Pursuant to a petition filed on April 21, 2006, and a Stipulated Election Agreement approved by the Acting Regional Director on December 17, 2007, an election was conducted on January 22, 2008, among employees of the Employer in the following unit:

All full-time and regular part-time service, CNAs, CMTs, dietary employees, maintenance, housekeeping, restorative aides, central supply employees, activity aides, cooks, physical therapy aides and laundry employees employed by the Employer at its University City, Missouri facility, EXCLUDING office clerical and professional employees, guards, and supervisors as defined in the Act.

The tally of ballots made available to the parties at the conclusion of the election shows the following results:

Approximate number of eligible voters	74
Void ballots	0
Votes cast for Service Employees International Union Local 2000	20
Votes cast against participating labor organization	24
Valid votes counted.....	44
Challenged ballots	0
Valid votes counted plus challenged ballots.....	44

Challenges are not sufficient in number to affect the results of the election.

A majority of the valid votes counted plus challenged ballots has not been cast for Service Employees International Union Local 2000.

Timely objections to conduct affecting the results of the election were filed by the Union on January 25, 2008.¹ The Union filed a timely supplemental objection on January 29, 2008.²

III. Background

The Employer is a Missouri corporation with its principal office located in University City, Missouri, the only facility involved here, and is engaged in the operation of a skilled nursing facility. At the time of the election, there were approximately 74 unit employees.

¹ A copy of the Union's objections is attached as Exhibit 1.

² A copy of the Union's supplemental objection is attached as Exhibit 2.

IV. The Objections

Objection 1

The Union alleges that the *Excelsior* list provided by the Employer contained several incorrect addresses.

Objection 2

The Union alleges that on January 9, 2008, the Employer's agent, Luther Sutter, was intimidating employees by standing at the door as employees were entering and leaving, telling them not to take a leaflet from the Union.

Objection 3

The Union alleges that on January 18, 2008, the Employer's agents, Luther Sutter and Marilyn Law, were intimidating employees by standing at the door as employees were entering and leaving, telling them not to take a leaflet from the Union.

Objection 4

The Union alleges that on January 21, 2008, the Employer's agents, Luther Sutter and the DON, were intimidating employees by standing at the door as employees were entering and leaving, telling them not to take a leaflet from the Union.

Objection 5

The Union alleges that the official Notice of Election was not posted in the election area.

Objection 6

The Union alleges that inflammatory documents about the President of Local 2000 were hung in the voting area to encourage employees to vote against the Union.

Objection 7

The Union alleges that the Employer announced that employees had to receive their paychecks before they were allowed to vote.

Objection 8

The Union alleges the Employer provided transportation to those employees who they believed would vote against the Union.

Supplemental Objection 9

The Union alleges the Employer purposely added 33 additional employees to the *Excelsior* list.

The undersigned concludes that Objections 1 through 9 raise substantial and material questions of fact which can best be resolved by a hearing.

V. Conclusion and Order

The undersigned, having concluded that the Union's objections, in their entirety, raise substantial and material questions of fact that may best be resolved by a hearing,

IT IS HEREBY ORDERED, pursuant to Section 102.69 of the Board's Rules and Regulations, Series 8, as amended, that a hearing be held in this matter for the purpose of receiving testimony relative to the Union's objections.

IT IS FURTHER ORDERED that the hearing officer designated for the purpose of conducting the hearing shall prepare and cause to be served upon the parties a report containing resolutions of the credibility of the witnesses, findings of fact, and recommendations to the Board as to the disposition of said issues.

IT IS FURTHER ORDERED that thereafter, pursuant to Section 102.69(i)(l) of the Board's Rules, this case be transferred to and continued before the Board in Washington,

D.C., and that the provisions of Section 102.69(f) of the Board's Rules and Regulations shall govern the filing of exceptions, if any, to the hearing officer's report.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on February 21, 2008, at 9 a.m., and on consecutive days thereafter until concluded, in the Regional Office, 1222 Spruce Street, Room 8.302, St. Louis, Missouri, a hearing will be conducted before a hearing officer to be designated by the Regional Director on the issues raised here, at which time and place the parties may appear in person or otherwise submit evidence and be heard on said issues.

February 12, 2008

Ralph R. Tremain, Regional Director
National Labor Relations Board
Region 14
1222 Spruce Street, Room 8.302
St. Louis, MO 63103-2829